



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DPM May-06

MARTIN & FERRARO LLP
1557 LAKE O' PINES STREET, NE
HARTVILLE OH 44632

COPY MAILED

MAY 30 2006

OFFICE OF PETITIONS

In re Application of :
Gary Karlin Michelson :
Application No. 09/412,082 : **ON PETITION**
Filed: 4 October, 1999 :
Atty Dckt No. 008810-20021 :

This is a decision on the petition filed on 23 March, 2006 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned on 11 July, 2001, for failure to file a timely and proper reply to the final Office action mailed on 10 April, 2001. Notice of Abandonment was mailed on 5 April, 2005. The petition to withdraw the

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). Grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114.

In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

holding of abandonment filed on 11 April, 2005, was dismissed on 8 March, 2006.

With the present petition, petitioner filed a Request for Continued Examination (RCE) under 37 CFR 1.114, including a submission in the form of an Information Disclosure Statement (IDS).

The application file is being referred to Technology Center Art Unit 3764 for consideration of the RCE and IDS filed on 23 March, 2006.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

A handwritten signature in black ink, appearing to read "D. Wood", is positioned above the printed name.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions